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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,660	06/28/2001	Justin Chickles	5150-43101	1628
35690	7590	09/15/2004	EXAMINER	
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398			TRAN, MYLINH T	
		ART UNIT	PAPER NUMBER	
		2179		

DATE MAILED: 09/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/894,660	CHICKLES ET AL.	
	Examiner	Art Unit	
	Mylinh T Tran	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 28 April 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-54 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-54 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 06/28/01 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892) ✓
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

Applicant's filed 04/28/04 has been entered and carefully considered.

However, limitations of claims have not been found to be patentable over newly discovered prior art, therefore, claims 1-54 are rejected under the new ground of rejection as set forth below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-7, 10, 32-37 and 49-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Fowlow et al. [US. 6,189,138].

As to claims 1 and 32, Fowlow et al. discloses a computer implemented method and corresponding apparatus for adding program elements to programs in a graphical user interface comprising the steps/means for a memory configured to store program instructions (column 6, lines 5-15); a display device (column 4, lines 25-30); a processor configured to read the program instructions from the memory and to execute the program instructions (column 8, lines 31-50); displaying one or more windows of a

program currently being edited on the display (figure 5, column 10, lines 30-44); displaying a search window on the display (figure 6, 610, 612); receiving user input in the search window specifying a search criteria (column 12, lines 14-35); identifying and displaying information regarding a plurality of possible program elements in the search window in accordance with the search criteria user input (column 12, lines 14-52); receiving user input for selecting a program element from the plurality of possible program elements (column 12, lines 53-67); incorporating the selected program element in a first window of the one or more windows of the program (figure 5, 552, column 11, lines 28-45).

As to claims 2-4 and 33-35, Fowlow et al. teaches the plurality of possible program elements being selectable by the user from the search window to add functionality to the one or more windows of the program currently being edited (column 11, lines 28-42 and column 12, lines 12-35).

As to claims 5, 36 and 50, Fowlow et al. also teaches receiving user input to drag-and-drop the selected program element into the first window (figure 5, 552, column 11, lines 29-45)

As to claim 6, Fowlow et al. teaches searching for the search string in a plurality of text items comprising text items related to the program elements (column 12, lines 15-35); and displaying one or more text items located by said searching for the search string, wherein each of the one or more located text items includes the search string, and wherein each of the one or more

located text items references one of the plurality of possible program elements (column 12, lines 15-53).

As to claim 7, Fowlow et al. also teaches the user input selecting the program element from the plurality of possible program elements specifies one of the one or more located text items, wherein the specified located text item references the selected program element (figure 5, column 13, lines 44-65).

As to claim 10, Fowlow et al. also shows displaying the search window being performed in response to user input to the graphical user interface (figure 6, 612).

As to claim 37, the claims are analyzed as previously discussed with respect to claims 6-7.

As to claim 49, the claim is analyzed as previously discussed with respect to claims 1-2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-9, 11-31, 38-48 and 51-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowlow et al.

As to claims 8 and 38, Fowlow et al. discloses the palette window including plurality of palette items. However, Fowlow et al. fails to teach hierarchy of palette windows. Although Fowlow et al. disclose of a palette window comprising one or more palette items that each represent one of the plurality of possible program elements (components, figure 5, 552), they do not explicitly mention the hierarchy of palette windows. It is well known in the state of the art that the application window of Fowlow is implemented in the hierarchy of palette windows. **The Examiner takes OFFICIAL NOTICE.** It would have been obvious to one of ordinary skill in the art, having the teachings of Fowlow et al. before him, the application window of Fowlow et al. to be the hierarchy of palette windows in order for presenting a large number of palette items, as made known in the state of the art.

As to claims 9, 19 and 39, Fowlow et al. teaches the palette window including plurality of palette items. Fowlow et al. fails to teach the navigation items including a forward navigation item, a backward navigation item and an up navigation item are implemented in the hierarchy of palette windows. However, Official Notice is taken that implementations of the forward, backward and upward navigation items are well known in the art. In light of the rejection set forth above, it would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known implementations of the navigation items to Fowlow. Motivation of the combine is for navigation among the hierarchy of palette window

As to claims 11, 20, 40, 44, 52 and 54, Fowlow et al. shows the displaying on the display the window comprising palette items. Fowlow et al. fail to teach the hierarchy of palette windows. However, Official Notice is taken that implementations of the plurality of palette windows in the hierarchical structure. In light of the rejection set forth above, it would have been obvious to one of skill in the art, at the time the invention was made to combine the well known implementations of the hierarchy of palette windows to Fowlow. Motivation of the combine is for presenting a large amount of palette items. Beside, Fowlow et al. discloses displaying on the display a first palette window from the hierarchy of palette windows, wherein one or more of the palette windows in the hierarchy comprise palette items that are selectable by a user to add functionality on one or more windows of a program currently being edited in the graphical user interface, and wherein one or more of the palette windows in the hierarchy of palette windows of the first palette window (figure 5, column 11, lines 29-45 and column 10, lines 30-44); receiving user input selecting a search item of the first palette window (column 12, lines 19-27); displaying a search window in response to said user input selecting the search item and receiving user input in the search window specifying a search criteria (figure 6, 612); identifying and displaying information regarding a plurality of possible palette items in search window in accordance with the search criteria user input (column 12, lines 14-52); receiving user input selecting a palette item from the plurality of possible

palette items (figure 6, 552); and incorporating the selected program element in a first window of the one or more windows of the program (figure 5, 552, column 11, lines 28-45).

As to claim 12, Fowlow et al. shows wherein the palette items including icons that are selectable by the user to incorporate graphical user interface elements in a graphical user interface of the program currently being edited (column 3, lines 46-60).

As to claim 13, the claim is analyzed as previously discussed with respect to claim 2.

As to claims 14, 42 and 53, the claims are analyzed as previously discussed with respect to claim 5.

As to claim 15, the claim is analyzed as previously discussed with respect to claims 6.

As to claim 16, the claim is analyzed as previously discussed with respect to claim 7.

As to claims 17-18 and 23, Fowlow et al. also shows the plurality of possible palette items including palette items from the one or more of the palette windows in the hierarchy comprising palette items (figure 5, 552).

As to claim 21, the claim is analyzed as previously discussed with respect to claims 6 and 15

As to claim 22, In light of rejection of hierarchy of palette windows, Fowlow et al. also provides the user input selecting the new palette window from the

plurality of possible palette windows specifies one of the one or more located text items in the search window, wherein the specified located text item references the new palette window).

As to claim 24, In light of rejection of hierarchy of palette windows, Fowlow et al. demonstrates prior to said displaying the search window in response to said user input selecting the search item: receiving user input selecting a navigation item displayed on the search windows; and displaying a previously displayed palette window in the hierarchy of palette windows in response to said user input selecting the navigation item.

As to claim 25, In light of the rejection of hierarchy of palette windows, Fowlow et al. also demonstrates the navigation item is one of a forward navigation item, a back navigation item, and an up navigation item.

As to claim 26-28, In light of the rejection of hierarchy of palette windows, Fowlow et al. discloses the navigation item being a back navigation item operable when selected to display a most recently previously displayed palette window in a backward direction; the navigation item being a forward navigation item operable when selected to display a most recently previously displayed palette window in a forward direction and the navigation item being an up navigation item operable when selected to display a parent palette window of the first palette window, regardless of the most recently previously displayed palette window.

As to claim 29, Fowlow et al. shows the program currently being edited is a graphical program, and wherein the palette items include icons that are selectable by the user to include function nodes in the graphical program (column 3, lines 47-65).

As to claims 30 and 47, Fowlow et al. also demonstrates the program being a graphical program, and wherein the palette items include icons that are selectable by the user to add functionality to the graphical program (column 3, lines 46-65).

As to claims 31 and 48, Fowlow et al. teaches the information regarding the plurality of possible palette windows displayed in the search window includes information regarding one or more possible program elements wherein the information regarding the one or more possible program elements is selectable by the user from the search window to add functionality to the program (column 12, line 14 through column 15, line 16).

As to claim 41, the claim is analyzed as previously discussed with respect to claims 12-13.

As to claim 43, the claim is analyzed as previously discussed with respect to claims 6-7

As to claim 45, the claim is analyzed as previously discussed with respect to claims 6-7

As to claim 46, the claim is analyzed as previously discussed with respect to claims 24-25.

As to claim 51, Fowlow et al. discloses one or more of the palette windows in the hierarchy each comprise one or more palette items that each represent one of the plurality of possible program elements (column 13, lines 42-60).

Response to Arguments

Applicant's arguments with respect to claims 1-54 have been considered but are moot in view of the new ground of rejection.

Conclusion

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 872-9306 for all kind of communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Heather Herndon, can be reached on (703) 308-5186,

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Mylinh Tran

Art Unit 2179

BA HN YNH
PRIMARY EXAMINER